

United States District Court

NORTHERN

FILED
DISTRICT OF

CALIFORNIA

2007 JUN 29 P 4:01

UNITED STATES OF AMERICA

V.

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

CRIMINAL COMPLAINT

Arturo Jaime FONSECA-Ramirez

E-FILING

CASE NUMBER:

(Name and Address of Defendant)

07 70389 PVT

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, April 9, 2007, in Santa Clara County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

Bryan T. Kennedy
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Arturo Jaime Fonseca-Ramirez
Signature of Complainant

Sworn to before me and subscribed in my presence,

6/29/07
Date

at

San Jose, California
City and State

PATRICIA V. TRUMBULL (PVT)
Howard R. Lloyd

UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Patricia V. Trumbull
Signature of Judicial Officer

RE: Arturo Jaime FONSECA-Ramirez

A70 456 894

I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Arturo Jaime FONSECA-Ramirez, is a 35 year-old married male whose DOB is currently understood to be 06/09/1971. He is a citizen and native of Mexico, who has used over ten aliases and four birth dates in the past. An interview of the Defendant was initiated on April 9, 2007 at Santa Clara County Jail wherein he claimed his name was Ariel JIMENEZ-Soto. When confronted with the contrary information included in his A-file, the DEFENDANT invoked his Miranda Rights to Immigration Enforcement Agent (IEA) John Ramirez of the San Jose, California DRO Sub-Office;
- (2) The DEFENDANT has been assigned Alien Registration number of A70 456 894, FBI number of 212039LA9, and California Criminal State ID Number of CA09265566;
- (3) On October 30, 1992, the DEFENDANT was determined to be unlawfully present in the United States by the U.S. Immigration Court San Diego, CA and ordered deported from the United States to Mexico;
- (4) On October 12, 1995 the DEFENDANT was convicted in the Superior Court of California/Santa Clara County, for the offense of POSSESSION OF NARCOTICS A CONTROLLED SUBSTANCE, a felony, in violation of California Health and Safety Code Section 11350 (A), and was sentenced to one year in state prison;
- (5) On May 28, 1997, the DEFENDANT was convicted in the Superior Court of California/Santa Clara County, for the offense of POSSESSION OF NARCOTICS A CONTROLLED SUBSTANCE - METHAMPHETAMINE, a felony, in violation of California Health and Safety Code Section 11350 (A), and was sentenced to two years in state prison;
- (6) On June 22, 1998, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director San Diego, CA and ordered deported from the United States to Mexico;

Arturo Jaime FONSECA-Ramirez

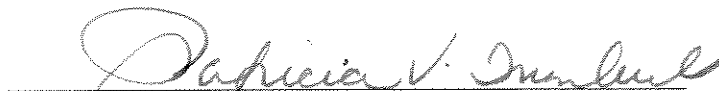
A70 456 894

- (7) On April 13, 1999, the DEFENDANT was convicted in the Superior Court of California/Santa Clara County, for the offense of PERJURY, a felony, in violation of California Penal Code 118, and was sentenced to two years in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(B);
- (8) On, March 15, 2000, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director San Diego, CA and ordered deported from the United States to Mexico;
- (9) On October 19, 2001, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director San Francisco, CA and ordered deported from the United States to Mexico;
- (10) On, April 9, 2007, the Defendant was encountered by IEA John Ramirez, at the Santa Clara County Jail, and determined to be unlawfully present in the United States after a prior deportation. After being advised of his Miranda Rights, the DEFENDANT invoked them, thereby concluding the interview at that time;
- (11) The Defendants official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (12) Based on the above stated information, this Officer believes there is sufficient probable cause that the Defendant is present within the United States in violation of Title 8, United States Code, Section 1326.



Timothy F. Purdy
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 29 day of June, 2007



Patricia V. Trumbull
UNITED STATES MAGISTRATE JUDGE